



FEDERAL BUREAU OF INVESTIGATION

OSAGE INDIAN MURDERS

PART 1 OF 19

BUFILE NUMBER: 62-5033

Subject Osage Indian Murders

File No. 62-5033

Section No. 1

Serials 1-35

March 24, 1913.

Chas. E. Burke,
Commissioner,
Bureau of Indian Affairs,
Department of Interior,
Washington, D. C.

Dear Mr. Burke:

Referring to your report of March
murders of these Indians, your file
has been instructed to Oklahoma office
for attention and special attention, and
copies of each report to you promptly.

Very truly yours,

[Signature]
Director.

62-5033-1
MAR 26 1913

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W.S.:GA

62-5433-2
March 24, 1928.

~~██████████~~
Oklahoma City, Okla.

Dear Sir:-

I am enclosing herewith photostatic copies of the file of the Indian Field Service, Department of Interior, with regard to murders of Osage Indians, evidently a plot to provide the inheritance of a considerable number of estates, vesting such inheritance in one person.

I want you to give this case immediate, thorough, and very special attention, working in close cooperation with the Superintendent, R. J. George Wright, at Pawhuska, Okla., and let me have an extra copy of each report for transmission to the Indian office.

Very truly yours,

[Signature]
Director.

Encl. 5E74.

MAILED
MAR 24 1928

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

21718-1923.

WASHINGTON

MAR 24 1923

Hon. W. J. Burns,
Director, Bureau of Investigation,
Department of Justice.

Dear Mr. Burns:

In accordance with the arrangement made with your Office this morning, by a representative of this Bureau, there are enclosed two copies of the papers in the Osage matter in which a number of these Indians have, within a recent period lost their lives under suspicious circumstances which gives rise to the view as expressed by the Attorney General of Oklahoma in his letter to me, that "their respective deaths are the result of a plot, the ultimate end of which seems reasonably close at hand; to provide the inheritance of a considerable number of estates, vesting such inheritance in one person." As you probably know these Indians are regarded as the richest people, per capita, in the world, and each man, woman, and child, has an income of over ten thousand dollars per year.

If you will instruct your operative to confer with our Superintendent, Mr. J. George Wright, at Pawhuska, Okla., every facility of the agency and assistance will be placed at his disposal.

Your cooperation in this matter is appreciated.

Sincerely yours,

Charles R. ...
Commissioner

B

NEW YORK BUREAU
BOSTON
CLIPPING FROM THE TIMES

Orange Indians, Richest People, Will Receive New Oil Wealth

Orange, N. C., Dec. 21.—The Orange Indians, who have long been the poorest of the South, are now to be made rich by the discovery of oil in their territory. The discovery was made by a party of geologists from the University of North Carolina, who were exploring the region for oil. The discovery is believed to be one of the richest ever made in the South. The Indians, who have long been the poorest of the South, are now to be made rich by the discovery of oil in their territory. The discovery was made by a party of geologists from the University of North Carolina, who were exploring the region for oil. The discovery is believed to be one of the richest ever made in the South.

The discovery of oil in the Orange region is believed to be one of the richest ever made in the South. The Indians, who have long been the poorest of the South, are now to be made rich by the discovery of oil in their territory. The discovery was made by a party of geologists from the University of North Carolina, who were exploring the region for oil. The discovery is believed to be one of the richest ever made in the South.

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DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN FIELD SERVICE

Osage Indian Agency,

Pawnee, Oklahoma.

Arch 30, 1923.

62-23
A.M. 22

The Honorable C. E. Burke,
The Comptroller of Indian Affairs,
Washington, D. C.

Dear Sir:

I have the honor to acknowledge receipt of your letter under date of March 15th, 1923, enclosing a copy of a letter from George F. Everts, Attorney General for Oklahoma, in reference to the deaths of certain Osage Indians within the past few months. On the basis of my opinion is with reference to the cases referred to and what action should be taken to cooperate with the state authorities in making a thorough investigation to determine the cause of the deaths mentioned.

In regard to the case of the first of the deaths under investigation occurred in May, 1921, at that time Annie Brown and Charles Hitehor were killed. These crimes were brought to the attention of the village Tribal Council and they advised a resolution asking that a reward of \$2000 be offered in each case for the arrest and conviction of the murderers. In addition to the action of the Council, the Probate Court authorized the Administrators of the estates of the above named deceased to employ detectives, who worked on the cases for several months but failed to secure sufficient evidence to warrant an arrest.

The next obvious murder of an Osage was in the early part of February, 1922 when the victim, these crimes were followed by the blowing up of the Smith home early on the morning of March 18th, at which time Mrs. Smith, an Osage Indian, and her husband and servant were killed.

An inquest was held in the city of Fairfax on March 10th, at which a representative of this office was present, and the matter was brought to the attention of the Village Council, which action March 12th, with the assistance of this office, a special administrator was appointed at once for the estates of Mrs. Smith, deceased, and arrangements made for employing detectives to obtain testimony leading to the arrest of the guilty parties. I was advised that a detective has also been employed by the city of Fairfax for the same purpose. A committee of the citizens of Fairfax, which has the residence of said Mrs. Smith, visited me shortly after the crime for the purpose of ascertaining if the Government would assist in the detection and prosecution of the criminals. I advised the committee to take the matter up with their village tomahawk, which is the

was a matter affecting everybody residing in that district, and ascertain what action they desired to take and that I would in every way cooperate with them. I am in receipt of a letter from the president of the Chamber of Commerce at Fairfax, dated March 13, 1935, copy of which is inclosed herewith, relative to the matter. There is attached to the inclosed letter the signature of twenty-nine of the leading business men of the town of Fairfax. It is also inclosing a copy of the resolution this day passed by the Orange Board of Council asking that awards be offered and also asking for the assistance of the Department of Justice.

The times above referred to have created a great deal of excitement in this County, and I have been recently advised that certain parties have been continuously working on the Annie Brown murder which occurred nearly two years ago. It appears from information furnished me that Will Smith, one of the persons killed in the explosion on Feb. 10th, was active in obtaining evidence in the Annie Brown case. I have also been advised within the last few days that many witnesses to the Annie Brown murder have been discovered and are ready to give their testimony if assured the protection of the Government.

The popular opinion in Fairfax and around is that the person is directly responsible for the Virginia murders, and rather strong opinion of circumstantial evidence has already been given.

I am of the opinion that the suggestions made in the Council Resolution inclosed herewith should be followed, and I believe it especially advisable that a good detective from the Department of Justice be at once assigned to this case and when the case is ready for trial that a special prosecutor from the Department of Justice be designated to assist the County Attorney of Orange County in the prosecution of the case.

I do not know what has been done taken by the State officials, but I understand that Attorney General Spots is very much exercised over the matter and has promised to lend all assistance possible from his office. I do not know whether it would be better for the Department of Justice to work with the State and County officials, or whether the Department would prefer to act independently. I am confident, however, that the Government should take an active part in the apprehension and prosecution of the parties guilty of these crimes.

Respectfully,

John C. ...
Superintendent

Several members of the Cheyenne tribe have been murdered during the last few months, and many other crimes committed against members of the tribe, and

whereas it is also the wish of the Cheyenne tribe that the criminals be brought to justice,

Resolved, that the Cheyenne Tribal Council deems it essential for the preservation of the lives and property of members of the tribe that prompt and strenuous action be taken to capture and punish the criminals,

Now, therefore, be it resolved, that a reward of five thousand (\$5,000.00) dollars be offered for information leading to the arrest and conviction of the party or parties guilty of the murder of any member of the Cheyenne Tribe, and

That the Cheyenne Tribal Council be authorized to appropriate the sum of five thousand dollars to cover the expenses of bringing to justice the parties guilty of crimes against members of the Cheyenne Tribe, and

That the Cheyenne Tribal Council be authorized to request the Secretary of the Interior to request the Bureau of Prisons, the Department of Justice, the Customs and Excise, and the Marshals of members of the Cheyenne Tribe, and

That the Cheyenne Tribal Council be authorized to request the Secretary of the Interior to request that the Bureau of Prisons be authorized to cover the expenses of this Resolution.

Done by the Cheyenne Tribal Council duly assembled at Medicine Lake, Oklahoma, this _____ day of March, 1938.

Chairman of the Cheyenne Tribal Council

A-70021

Secretary

Interpreter

Chamber of Commerce

FLORIDA CO.

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REPORT MADE AT: **Oklahoma City** DATE WHEN MADE: **Apr. 9, 23** PERIOD FOR WHICH MADE: **Apr. 5 & 6** REPORT MADE BY: **Frank V. Wright.**

TITLE AND CHARACTER OF CASE: **BILL (W. E.) SMITH and OSAGE INDIANS, Murder of (State Court) Fairfax and Pawhuska, Okla.** : **Conspiracy 62 5033**

PLACE OF ORIGIN: **At Fairfax, Okla.** (O. C. #7060)

Continuing, informant [redacted] stated that several private detectives had been working on the mystery murders from time to time since the ANNIE BROWN murder in 1901, and that the only arrest ever made was that of BRYAN BURKHART and that BURKHART was acquitted at preliminary hearing after WM. HALE, et al., had made bond for BURKHART.

(Note: At the present time JOHN A. GUSTAFSON, of the GUSTAFSON Detective Agency, Tulsa, is registered at the SMITH-WILLIAMS Hotel, Fairfax, (as of Kansas City) and the hotel management states that GUSTAFSON has been living at the hotel almost continuously for about four weeks and that for the past three months the hotel has been headquarters for from one to four private detectives, all working on the cases in question.) **B7D**

[redacted] informant states that on the night of March 22, 1923, an unsuccessful attempt was made by some unknown person or persons at Fairfax, Okla. to blow up the grave vault containing the body of RUTH TALLCHIEF, a young Osage Indian girl, presumably with intent of securing diamonds and other valuables supposed to have been entombed with the body; that a large bottle of unusual design, that had contained nitroglycerine, was found near the vault next morning by a [redacted]

DO NOT WRITE IN THESE SPACES

FILE NO. **62-5033-**

BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO: [redacted]

GENERAL INVESTIGATIVE DIVISION

APR 13 1923

APR 24 1923

REFERENCE: COPIES OF THIS REPORT FURNISHED TO: **3 Washington; 3 file.**

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 C. J. Indian Office
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Frank V. Wright.

Apr. 5 & 6, 1923.

All deletions

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MR. HAGGARD, and that the said bottle was handed by MR. HAGGARD to Deputy Sheriff JIM RHODES, who was present at the time the bottle was found, that Deputy Sheriff RHODES used precaution to preserve finger prints while handling the bottle and that C. H. STRATTON, Chief of the Bureau of Identification, Okla. City police dept., was called to Fairfax immediately. Informant stated that MR. STRATTON was advised, upon arrival at Fairfax, that the said bottle had been handled by MR. HAGGARD and Deputy Sheriff RHODES and that MR. STRATTON then used due process to check the finger-prints of HAGGARD and RHODES and to procure and photograph only the remaining prints on the bottle. [REDACTED] stated that bottle showed finger prints of only three different persons - STRATTON, RHODES and the photographed finger-prints of the unknown person. Agent saw the enlarged photograph of the unknown person's print. It is an excellent print, well photographed and an A-1 identification mark. Agent attaches no particular importance to the occurrence related in this paragraph in connection with the apparent motive behind the murders under investigation, and mentions it only for the reason that informant stated that the local suspect of this grave-blowing job is an associate of the BURKHART brothers.

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[REDACTED] stated that on March __, 1923, Federal Officer SAM TULE made the arrest of CURLEY JOHNSON, JOHNSON, a brother of CURLEY, BOTHWELL, and _____ on a whiskey charge and that the four men, he thinks, are now either in jail at Fairfax or Pawhuska. [REDACTED] stated that he was conversing with Del Plane, Chief of Police at Ponca City, a few days after Officer TULE made the arrest above referred to, and that during that conversation DEL PLANE said to

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"HENRY GRAMMER told me they have the right parties in jail at Fairfax now, and every one of them ought to be hung." [redacted] stated that the subject of conversation at the time this remark was made by DEL PLANE was the murders that had been committed around Fairfax and Pawhuska and that DEL PLANE, when quoting GRAMMER, had reference to no other offense committed by the men being held by Officer TULK than the murders and dynamiting jobs under investigation. [redacted] stated further that he has known HENRY GRAMMER for years and that GRAMMER is a wholesale liquor dealer in Osage County and bears the reputation of being a "fence" and protector of outlaws; that GRAMMER and Chief of Police PLANE are old-time personal friends and that it would be a mistake to attempt to get PLANE to injure or implicate GRAMMER in any manner, but that PLANE would probably otherwise go his length to convict the gang now in jail at Fairfax or Pawhuska, viz., JOHNSON, et al. [redacted] is of the opinion that the JOHNSON gang is in harmony with HALE and the BURKHART brothers. This opinion of [redacted] was also expressed by [redacted] B7D

At Pawhuska, April 6, 1923.

[redacted] informant [redacted] stated that he saw and talked with KELSEY (SLIM) MORRISON in the Federal building at Okla. City; that [redacted] informant was and had been attending Federal court since Mar. 5, 1923, but that to the best of his recollection it was Saturday, March 10, 1923, when he talked to MORRISON, but that possibly it was Monday, Mar. 12, 1923. [redacted] stated that at the interview referred to, MORRISON stated to [redacted] that he, MORRISON, was living at Okla. City and made no reference whatever to his, MORRISON, having been at Fairfax recently, but

Apr. 5 1923.

did state that an explosion of some kind had occurred at Fairfax Friday night or Saturday morning and that he, MORRISON, was anxious to get away from court in order that he might make a trip to Fairfax and see what damage, if any, had been done to some property that he, MORRISON, owned and which was adjacent to the SMITH residence that had been blown up. Informant stated that from the time of the conversation with MORRISON until now he never attached any importance to same, for the reason that he never knew MORRISON except by sight and reputation and from police court record and really believed that MORRISON did live at Okla. City and never suspected that he was or could have been implicated in the explosion; but that now he can see that MORRISON was evidently trying to make an impression on his, [REDACTED] mind at the time of this conversation.

B7D

Informant [REDACTED] also verified the statements made by [REDACTED] informant [REDACTED] and offered only one correction or addition, viz.: with reference to the \$25,000.00 insurance policy carried by HENRY ROAN. Informant [REDACTED] stated that his recollection was that ROAN first took the said policy in favor of his wife, but that later ROAN could not meet the payments and it was then that MR. HALE advanced the money and the policy was made payable to HALE by ROAN. Informant [REDACTED] stated further that said policy was written by a MR. GREEN, of Oklahoma City, and that GREEN, when at Pawhuska, is often seen talking to HALE. Informant [REDACTED] stated that Attorney A. W. COMSTOCK, Pawhuska called at the Osage Indian Agency prior to the blowing up of the RITI SMITH Home and stated to [REDACTED] that he, COM STOCK, believed he could produce two eye-witnesses to one of the murders mentioned in this

Investigation, provided he, COMSTOCK, was given assurance that the said witness would be granted immunity. Informant [redacted] stated that he made no promise of any kind and that COMSTOCK had never been back to the office.

ALL Deletions B7D

[redacted] stated that Attorney A. W. COMSTOCK was generally known as a crooked lawyer in Pawhuska and was employed as counsel by the guardian or administrator of ANNIE BROWN and that COMSTOCK'S Office has always been headquarters at Pawhuska for private detective GUSTAFSON and other private detectives that have worked in Osage County, more or less, for the past two years and that he, [redacted] has no faith or confidence in the integrity of COMSTOCK and is inclined to the belief that COMSTOCK would conceal, rather than divulge, the whole truth.

Referring to page seven of my report dated Apr. 5, 1923, and to BRYAN BURKHART, who married ROSE LASLEY. [redacted] stated that ROSE LASLEY was divorced from JOHN LASLEY at San Antonio, Tex., [redacted] thinks. Informant was not acquainted with the apparent fact that the woman had been married to BURKHART and the marriage set aside by state court.

Referring to page seven of my report dated Apr. 5, 1923 and to KELSEY MORRISON: [redacted] stated that the daughter of BILL FLETCHER referred to in that paragraph was and is enrolled as CATHERINE COLE. [redacted] verified the correctness of my report dated Apr. 5, 1923 by the records, with following corrections and following additional information:

On page four make following corrections:

- (1) The name "KILE" is properly spelled "KYLE";

(2) In second paragraph, third line, strike out the word "in" and before "1921" insert "JULY SEVENTEEN".

(3) In paragraph five, the first line should read "MINNIE KYL SMITH died of 'quick' consumption on Sept. 22, 1918".

(4) In paragraph six, third line, strike out "about January 15th" and insert "February 6th".

ist On page seven of my report dated April 5, 1923:

(5) In paragraph four, fifth line; after the words "from her first husband" insert "JOHN LASLEY at San Antonio, Texas".

(6) In paragraph six and in the sixth line and after "-ried BILL FITCHER'S daughter" insert "CATHERINE COLE, an Osage Indian".

The information contained in this and my first report, dated Apr. 5, 1923, has been gathered from a number of persons not mentioned as [redacted] but has been verified by the [redacted], and who will be named later, and Agent believes at this time that the basis for an investigation has been reliably suggested in this and the preceding report.

Agent at this time is of the further opinion, from facts reported and from considerable "hearsay" that informants would not state they had a personal knowledge of, that strong suspicion is warranted: First of WM. HALE as being the master mind in the series of murders referred to. Second, of the BURKHART brothers as being accomplices and possibly guilty of the actual commission of some of the crimes. Third, of KELSEY MORRISON being one man who had direct connection with the actual blowing up of the ANNIE KYL SMITH home on the morning of Mar. 10, 1923, and Fourth of CURLEY JOHNSON, et al. having been agents of WM. HALE and working in harmony with HALE in one or more of the murders.

Further reports will cover Agent's attempt to substantiate one or more of the conclusions or theories enumerated.

CONTINUED

TULK advised that as to the ANNA BROWN case, he believes that she was murdered by ROSE OSAGE, and possibly one JIMMY HICKS, who was the husband of ROSE OSAGE; that the reason of this opinion is as follows:

That ANNA BROWN was found dead in Three Mile Creek and was supposed to have been dead about seven or eight days prior to her body being found. That it is true that BRYAN BURKHART was the last man whom it can be definitely proven was with her, and that BOB CARTER, a taxicab driver, drove her in the morning prior to her disappearance to Grayhorse to visit her sister, and BRYAN BURKHART drove her back to Fairfax.

MR. TULK states that after the body of ANNA BROWN was found he recalled the fact that he and B. E. JOHNSON, an attorney at Fairfax, were returning from Tulsa one evening and saw ROSE OSAGE and JIMMIE HICKS in an automobile; that this was FANNIE LASSAGE'S car; that he, TULK, got out of the car which they were driving and saw who were in the other machine; that he ordered them to drive on and put this machine up; that this machine was standing very near the place where ANNA BROWN'S body was later found; that ROSE OSAGE and JIMMIE HICKS did drive away from this place, but did not come in to the garage until early the next morning, when they drove into Burgin's Motor Co. garage at Fairfax. That at the time of first observing this car he of course paid no attention to same, but later, after the body of ANNA BROWN was found, he remembered this instance and checked up on same and ascertained that this was the same night that ANNA BROWN was said to have disappeared.

That an examination of this car showed blood was on the car, and

It is thought that ANNA BROWN was killed in the car by ROSE OSAGE and her body carried to the place where it was found. That ROSE OSAGE was a jealous of ANNA BROWN, both on account of her husband, JIMMIE HICKS, as well as on account of her father, as the OSAGE girl's father had been associating with ANNA BROWN, and ANNA BROWN was about to separate ROSE OSAGE'S father and mother.

That ROSE OSAGE and JIMMIE HICKS endeavored to explain the blood on the car by claiming to have out their hands on some glass.

MR. TULK also states that BRIGHT RODDY, who conducts a store at Fairfax, had told him that a few days before ANNA BROWN'S disappearance ANNA BROWN, ROSE OSAGE and ROSE OSAGE'S mother had had trouble in his store on account of ANNA BROWN associating with ROSE OSAGE'S father. That if MR. RODDY is interviewed, he may be able to shed some additional light on the matter.

He also advised that BOB PARKER, City Marshal, and others with PARKER, inspected this car and found the blood on same. That BOB PARKER has considerable information on this matter. That he furnished this information to MR. WOODWARD, of the Indian Agency, and they installed a dictagraph in a room and brought ROSE OSAGE and JIMMIE HICKS in the room and questioned them and later left them in the room together, thinking possibly they would talk, but that they secured no information by the use of the dictagraph, as it seemed that these parties did not talk about the case, but merely fussed about he, TULK, having had them arrested.

As to the HENRY ROAN case, MR. TULK states that he firmly believed that ROY BUNCH was guilty of the murder of HENRY ROAN, citing his reasons

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5 Walvin S. Weakley.

July 14-20, 1923.

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7 for same, as follows:

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9 That ROY BUNCH had for some time been infatuated with HENRY
10 ROAN'S wife and would steal HENRY ROAN'S wife away from him and keep
11 her away from ROAN for several days at a time; that HENRY ROAN was
12 found dead in his car up a draw outside of Fairfax; that the body had
13 been in the car evidently several days, because same was frozen at the
14 time found. That ROAN was shot in the back of the head.

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16 That he, TULK, firmly believed that ROAN'S wife was also cognizant
17 of this crime, and partly responsible.

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19 That ROAN'S widow was about the middle of March married to ROY
20 BUNCH, ROAN having been married in February. MR. TULK also advised me
21 confidentially that he had secured information that after the discovery
22 of the body of HENRY ROAN, that ROY BUNCH by telephone talked with
23 HENRY ROAN'S wife and advised her that if anyone inquired from her as
24 to where he, BUNCH, was the night that ROAN dis appeared, that she
25 should inform them that he, BUNCH, was at her home.

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27 MR. TULK gave me the name of this ~~man~~ through whom he se-
28 cured this information, but requested that I not mention this man's
29 name until I had first talked with him and secured his permission, as
30 he, TULK, had received this information confidentially. He also advised
31 that DR. PRENTIS, who lives across the street from HENRY ROAN, may be
32 able to give some information. That J. H. RHODES, found HENRY ROAN in
33 his car, but does not know whether RHODES can give any information.
34 He furnished me with the names of several parties to be seen at Fair-
35 fax, Va., who he states he thought could maybe furnish information
36 that would be of benefit.

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5 **Salvin S. Weakley.**
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July 18-20, 1923. -12

8 as to the explosion which destroyed the home of **WM. E. SMITH**.
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10 **TULK** states that he also had made investigation with the local offi-
11 cials at Fairfax, namely City Marshal **PARKER** and Deputy Sheriff **RICHARD**
12 that this is an unsolved mystery, but that he cannot assign any reason
13 for any motive but that of course there is lots of talk around Fairfax
14 of **BILL HALE** being the master mind in all these deaths, and that this
15 was done to center the inheritance of these estates in the **BURKHARDT**
16 family; that you find an equal number of parties around Fairfax on the
17 opposite side, and who do not feel that **HALE** had any connection what-
18 ever and who would fight to the limit in protection of **HALE**, and would
19 resent any intimation that would cast any reflection upon him; that
20 any person who would make an investigation of these cases has to han-
21 dle the matter with gloves at Fairfax, and should feel out carefully
22 the attitude of any person interviewed prior to asking pertinent ques-
23 tions along this line.
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37 **MR. TULK** stated that ten days or two weeks after the blowing up
38 of the home of **SMITH** he received information that some parties were in
39 a car with the curtains up, and were making inquiry for **ERNEST BURKHARDT**
40 at Fairfax. That he and the local officers immediately started to
41 look out for this car, and they also received information that this car
42 was at Grayhorse, that information having been telephoned to them by a
43 man named **J. PRYOR**, an Osage Indian at Grayhorse. That he, **TULK**, in
44 company with the local officers, drove to Grayhorse and met this car
45 and later surrounded the car and arrested one **ARTHUR** alias **CURLY**
46 **JOHNSON**, **GENE JOHNSON**, brother of **CURLY**, **J. W. BOWWELL**, **CHAS. QUICK**,
47 and **PETE WALKER**; that in searching this car they found whiskey in the
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car, also four six-shooters, and one shotgun, also found a small handkerchief and some large white handkerchiefs, which looked as if they would be used for masks. That they ascertained from J. PRYOR, an Indian at Grayhorse, that these men were trying to sell him whiskey. Also they understand that these men had asked CLINTON BIGHEART as to where the Indian poker game would be that night. That GENE JOHNSON was the one that made inquiry endeavoring to locate ERNEST BURKHART. That GENE JOHNSON explained his reason for inquiring for BURKHART that BURKHART owed him some money. That at the time these men were arrested they were in a Paigs touring car, 1922 model, engine No. 1 5 5 7 2, factory No. 1 3 5 2 5 2; that this arrest of these parties was made on March 24, 1923.

While MR. TULK would not state definitely that he thought these parties were implicated in the explosion, yet I was led to believe that he probably thought these parties had some connection with same, and that this would be a good matter to keep in mind.

As to the death of LIZZIE "C", the mother of ANNA BROWN, as well as the death of MINNIE KYLE SMITH, MR. TULK believes that both of these deaths were from natural causes. As to CHARLIE WHITEHORN, he states he has no information.

Investigation continued.

WFO-44
62-5035 - 3

APR 24 1928

April 17, 1928.

Honorable Charles E. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

My dear Sir:

I am enclosing herewith, for your
information and such action as you deem ad-
visable, copies of the reports received from
the [redacted] office, dated
[redacted] of the



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REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Apr. 5, 23	PERIOD FOR WHICH MADE: Apr. 1, 23 & 4	REPORT MADE BY: Frank V. Wright
TITLE AND CHARACTER OF CASE: MURDER OF MARY BROWN and other OSAGE INDIAN MURDER OF (State Court)		PLACE AND DATE OF OFFENSE: Pawhuska, Okla.	
CHARACTER OF OFFENSE: Conspiracy, Resulting in the murder of a number of Osage Indians; plot, elimination of heirs to monies dispersed by the U. S. Government (O. C. #7060.)			
REFERENCE: Beginning reference is made to Director's letter dated March 24, 1923, initialed WFG:GA, with enclosure #5 2 7 4.			
DETAILS: On March 10, 1923, the following letter was addressed by the Attorney General of the State of Oklahoma to HON. CHAS. H. BURKE, Commissioner of Indian Affairs, Washington, D. C.:			
"Sir:			
It has recently come to my attention that a series of deaths, under the most unusual circumstances, have occurred among a family of Osage Indians in Osage County, Oklahoma. There is reason to believe that each and every one of these citizens have been killed and the circumstances lead one to believe that their respective deaths are the result of a plot, the ultimate end of which seems reasonably close at hand; to provide the inheritance of a considerable number of estates, vesting such inheritance in one person.			
The information is so vague at this time that I am unable to give you intelligent data but I refer to the death of Mary Brown, an Osage Indian woman, who unquestionably was assassinated. Also, Henry Roan, an Osage Indian man of the same family.			
On last evening, March 6th, the residence of another sister was blown up by dynamite, nitro glycerine, or other explosive, in the town of Fairfax, Oklahoma, at which time the woman and the cook were instantly killed, their bodies being badly mangled. The husband of this woman was badly injured and his death is expected momentarily.			
I am prepared to spend several thousand dollars investigating this series of murders. No person has been arrested and prosecuted for the commission of any of these crimes.			
I write to inquire if I may have the co-operation and assistance of your office and the Department of Justice.			
REFERENCE	COPIES OF THIS REPORT FURNISHED TO: 3 Washington; 2 file.		

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-4

BUREAU OF INVESTIGATION

APR 21 1923

DEPARTMENT OF JUSTICE

ROUTED TO FILE

RECORDED

APR 21 1923

Frank V. Wright.

Apr. 4, 1923.

I shall supplement this vague letter with more definite information as soon as it shall become available."

On March 13, 1923, the following letter, written on the stationery of the Chamber of Commerce, Fairfax, Okla., and bearing the signature of L. R. HEFLIN and twenty-nine other business and professional men, was addressed to HON. J. GEORGE WRIGHT, Superintendent of the Osage Agency, Pawhuska, Okla.:

"Dear Sir:-

Your special attention is hereby called to the number of deaths among members of the Osage Tribe of Indians residing in the Town and vicinity of Fairfax occurring during the past two years under conditions and circumstances suggesting wilful murder.

The citizens of our Town have become alarmed by the explosion effected in the house of W. E. and Retta Smith in the heart of the residence section of our Town on the night of March 9th, in which Retta Smith and her servant, Nettie Brookshire were killed, and W. E. Smith was seriously injured.

It occurs to us that the resources of the Department of the Interior and of the Department of Justice ought to be available for the purpose of suppressing this continuous murder-of-the-Osages, and of ferreting out the facts of these atrocious homicides.

A vigorous investigation from these Departments of Government might reveal the motive that is prompting these destructions of life and property, and a means whereby the future operations of these desperate characters might be thwarted.

We appeal for your earnest and vigorous support in our efforts to bring the originals to justice, and to forestall further destruction of life and property in our community."

On March 20, 1923, the following resolution Number Twenty-Two by the Osage Tribal Council and copies thereof forwarded to the Honorable Secretary of the Interior:

"Resolution No. 22

WHEREAS, several members of the Osage Tribe have been murdered during the last few months, and many other crimes committed against members of the tribe, and,

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6
7 WHEREAS in no case have the criminals been apprehended and brought to
8 justice; and

9
10 WHEREAS the Osage Tribal Council deems it essential for the preservation
11 of the lives and property of members of the tribe that prompt and
12 efficacious action be taken to capture and punish the criminals.

13
14 NOW, THEREFORE, BE IT RESOLVED, that a reward of Five Thousand (\$5,000.00)
15 Dollars be offered for information leading to the arrest and conviction
16 of the party or parties guilty of the murder of any member of the Osage
17 Tribe; and,

18
19 BE IT FURTHER RESOLVED, that a proper amount of money be appropriated
20 to cover the expense of apprehending the parties guilty of crimes a-
21 gainst members of the Osage Tribe; and,

22
23 BE IT FURTHER RESOLVED, that the Honorable Secretary of the Interior be
24 requested to obtain the services of the Department of Justice in cap-
25 turing and prosecuting the murderers of members of the Osage Tribe; and

26
27 BE IT FURTHER RESOLVED, that the Honorable Secretary of the Interior be
28 authorized to ask for an appropriation from Congress of Osage tribal
29 funds to cover the provisions of this resolution.†

30
31 done by the Osage Tribal Council duly assembled at Pawhuska, Oklahoma,
32 this _____ day of March, 1923."

33
34 On March 20, 1923, the following letter was addressed to the
35 Commissioner of Indian Affairs, Washington, D. C., by Superintendent
36 J. GEO. WRIGHT, of the Osage Indian Agency, Pawhuska, Okla.:

37
38 "Dear Sir:

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40 I have the honor to acknowledge receipt of your letter under date of
41 March 16th, 1923, inclosing a copy of a letter from George F. Short,
42 Attorney General for Oklahoma, in reference to the deaths of certain
43 Osage Indians within the past few months. You ask what my opinion is
44 with reference to the cases referred to and what action should be ta-
45 ken to cooperate with the state authorities in making a thorough inves-
46 tigation to determine the cause of the deaths mentioned.

47
48 In reply I have to advise you that the first of the deaths under inves-
49 tigation occurred in May, 1921. At that time Annie Brown and Charles
50 Whitehorn were killed. These crimes were brought to the attention of
51 the Osage Tribal Council and they adopted a resolution asking that a
52 reward of \$2500 be offered in each case for the arrest and conviction
53 of the murderers. In addition to the action of the Council, the Pro-
54 bate Court authorized the administrators of the estate of the above
55 named deceased to employ detective, who worked on the cases for sev-
56 eral months but failed to secure sufficient evidence to warrant
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an arrest.

The next obvious murder of an Osage was in the early part of February, 1923, being the victim. These crimes were followed by the burning up of the Smith house early on the morning of March 10th, at which time Rita Smith, an Osage Indian, and her husband and servant were killed.

An inquest was held in the city of Fairfax on March 10th, at which a representative of this office was present, and the matter was brought to the attention of the Tribal Council which met on March 12th. With the assistance of this office a special administrator was appointed at once for the estate of Rita Smith, deceased, and arrangements made for employing detectives to obtain testimony leading to the arrest of the guilty parties. I am advised that a detective has also been employed by the city of Pawhuska for the same purpose. A committee of the citizens of Fairfax, which was the residence of said Rita Smith, visited me shortly after the crime for the purpose of ascertaining if the Government would assist in the detection and prosecution of the criminals. I advised the committee to take the matter up with their fellow townsmen, as the crime was a matter affecting everybody residing in that district, and ascertain what action they desired to take and that I would in every way cooperate with them. I am in receipt of a letter from the President of the Chamber of Commerce at Fairfax, dated March 13, 1923, copy of which is inclosed herewith; relative to the matter. There is attached to the inclosed letter the signatures of twenty-nine of the leading business men of the town of Fairfax. I am also inclosing a copy of the resolution this day passed by the Osage Tribal Council asking that rewards be offered and also asking for the assistance of the Department of Justice.

The crimes above referred to have created a great deal of excitement in this county, and I have been recently advised that certain parties have been continuously working on the Annie Brown murder which occurred nearly two years ago. It appears from information furnished me that Will Smith, one of the persons killed in the explosion March 10th, was active in obtaining evidence in the Annie Brown case. I have also been advised within the last few days that two eye-witnesses to the Annie Brown murder have been discovered who are ready to give their testimony if assured the protection of the Government.

The popular opinion in Fairfax and Pawhuska is that one person is directly responsible for the various murders, and rather a strong chain of circumstantial evidence has already been woven.

I am of the opinion that the suggestions made in the Council Resolution inclosed herewith should be followed, and I believe it especially advisable that a good detective from the Department of Justice be at once assigned to this case and when the time comes for trial that a special prosecutor from the Department of Justice be delegated to assist the County Attorney of Osage County in the prosecution of the case.

Apr. 2-4-, 1923.

I do not know what steps have been taken by the State officials, but I understand that Attorney General Short is very much exercised over the matter and has promised to lend all assistance possible from his office. I do not know whether it would be better for the Department of Justice to work with the State and County officials, or whether the Department would prefer to act independently. I am confident, however, that the Government should take an active part in the apprehension and prosecution of the parties guilty of these crimes."

On April 2, 1923, Agent was assigned this investigation by Agent in Charge Findlay with instructions to conform strictly to the instructions embodied in Director Burns' letter referred to. This report covers findings of Agent for the first forty-eight hours of time spent at Pawhuska and Fairfax, Okla. In some instances, dates will be supplied later and possibly other corrections made.

Supt. J. GEO. WRIGHT was conferred with at the Osage Agency. He is keenly interested in rendering every assistance possible to the law-abiding citizenship of Osage County and supplemented his letter, quoted in this report, with other information that will prove very beneficial in the future and further development of this case. Supt. WRIGHT arranged a further conference for this Agent with Tribal Attorney A. T. WOODWARD.

MR. WOODWARD stated that the Agency had no reports, official or otherwise, that chronicled incidents surrounding the recent mysterious deaths and murders of several tribal Osage Indians, but for about two hours he gave Agent the benefit of his memory and related much that is contained in ~~the~~ this report, or at least furnished suggestive ideas and information that have assisted materially thus far in expediting this investigation.

At Fairfax, Okla., April 3d and 4th.

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The following names will be mentioned in this report, and have important bearing:

1. LIZZIE Q.---Deceased Osage Indian and widowed mother of ANNIE BROWN, RITI KILE SMITH, MINNIE KILE SMITH and MOLLIE KILE BURKHART, died a natural death in 1921. The daughters named being her beneficiaries.
 2. ANNIE BROWN---Murdered, May, 1921. Her body found in a ravine with a bullet hole through her head and a bottle of whiskey laying near her. BRYAN BURKHART was arrested and placed in jail at Pawhuska, Okla. charged with this murder. WM. HALE, et al., furnished bond for BURKHART and he was acquitted.
 3. CHAS. WHITEHORN---Murdered and body found near Pawhuska about two years ago. No evidence at this time to couple his death with the suspected motive causing the other murders.
 4. MINNIE KILE---Died of "quick" consumption about the first of 1922. No investigation made of her death, so far as known to informants.
 5. HENRY ROAN---Related to Lizzie Q. and who carried \$25,000.00 life insurance made payable to WM. HALE, was murdered by unknown persons about Jan. 15, 1923, and his body found four miles northwest of Fairfax with a bullet hole through the head.
 6. RITI KILE SMITH---Killed in explosion when her home was blown to atoms at Fairfax on March 10, 1923, at about 3 AM.
 7. NETTIE BROOKSHIRE---White domestic in home of RITI KILE SMITH, killed in explosion. No relation.
 8. W. E. SMITH---Husband of RITI KILE SMITH, died a few days after the explosion from effects of injuries received.
 9. MOLLIE KILE BURKHART---Only surviving daughter of ^{Lizzie} Lizzie "Q", resides now at Pawhuska with her husband, ERNEST BURKHART, a nephew of WM. HALE.
- A confidential informant that will be known as [REDACTED] in this report and until such time as becomes necessary to disclose the name, but who is substantial, stated that several years ago W. E. SMITH married MINNIE KILE and was living with her at the time of her

death, which was alleged to have resulted from "quick consumption", and that after the death of MINNIE the said SMITH married MINNIE'S sister RITY, who was killed with him, W. E. SMITH, in the explosion. Informant was not accurate as to dates and same will have to be supplied from records at the Osage Agency and elsewhere. Informant stated further that the following named persons were under suspicion by citizens of Fairfax:

1. WM. HALE.--Is a prominent white farmer and stockman of considerable means and local political influence, and is suspected of being the brains of the organization.
2. ERNEST BURKHART.--Is a white man and a nephew of HALE and the husband of MOLLIE KYLE BURKHART, the only surviving daughter of LIZZIE "Q", and resides at the present time at Pawhuska, having moved from Fairfax since the explosion. Ernest Burkart is absolutely controlled by HALE, according to information received by Agent from informant Number Two and also from Number Three.
3. BRYAN BURKHART.--Is a brother of ERNEST, and married an Osage girl, ROSE LASLEY. The marriage was recently annulled by the Osage district court on the ground that ROSE was not eligible to marry, having been but recently granted a divorce from her first husband. Sufficient time has not yet elapsed under the state law to make her marriage with BRYAN BURKHART legal.
4. ----- BURKHART.--Is also a brother of ERNEST and is reputed as being an ex-convict and all-around, no-good character. Bearing about the same general reputation as do his two brothers, ERNEST and BRYAN.
5. KELSEY MORRISON. Is a boon companion of the BURKHART brothers alias SLIM MORRISON.--and informant [redacted] states that he is also under control of HALE; that MORRISON came to Fairfax from parts to informant unknown, and has been a whiskey peddler, etc., since; that MORRISON married BILL FLETCHER'S daughter and was later divorced from her; that shortly after being divorced from FLETCHER'S daughter, MORRISON married a white woman, TILLIE FOSTER, who was the widow of BILL SEEPSON, a full-blood Osage. BILL SEEPSON was found dead in bed about December 15, 1922. His death was attributed to corn whiskey, but no investigation was made, so far as informant knows.

Informant stated further that KELSEY MORRISON was at Fairfax on the night of the explosion, Saturday, March 10th, at 3 A. M.; that

MORRISON left Fairfax in an automobile after midnight and informant thinks evidence can be had to prove that he left after 5 A. M. for Oklahoma City, where he attended Federal court on the same date, March 10, 1925. (Note. The distance from Fairfax to Oklahoma City is recorded by speedometer as being 124 miles to the Kingkade Hotel. The roads are good and five hours is a very reasonable allowance for making the drive.) Informant [REDACTED] ^{B7D} stated that MORRISON was "yellow" and probably the easiest point of attack to get at facts; that he would probably talk, and that he was also the only man mentioned so far among the suspects who would divulge anything, regardless of pressure brought to bear.

5. MORRIS or MOIRES:--Is a cowboy in the employ of HALE, and also intimate with the other men name^d Informant [REDACTED] [REDACTED] stated that prior to the explosion, W. E. SMITH deceased had sued HALE for \$6,000.00 and that HALE denied the obligation which was alleged in the suit to have been a cash loan without security; that since the death of SMITH the cowboy has told one or more persons that he, the cowboy, saw HALE pay SMITH three thousand dollars at one time in currency from his, HALE'S, pocket; informant [REDACTED] B7D

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12-5033

April 18, 1933

F. J. G. Findley,
P. O. Box 175,
Graham City, Okla.

Dear Sir:

Referring to my letter to you of March 26th,
enclosing photostatic copies of the file of the Indian
Field Service, Department of Interior, with regard to
murders of Cange Indians up to the present time, I have
received no report.

Please give this matter immediate attention.

Very truly yours,

[Handwritten signature]
Director.

12-5033

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ATTENTION - MR. MC - 2.

Oklahoma City Apr. 16, 1923 Apr. 10, 11 & 14, 23 Frank V. Wright

BILLY SMITH and other OSAGE INDIANS, Pawhuska, : Conspiracy
Murder of (State Court) Okla.

62-5033

Fairfax, Okla. (D. C. #7052)

Continuing investigation, while Agent at this time is of no different opinion regarding the master mind and perpetrators of the series of murders in Osage County than that stated in report of Apr. 9, 1923. The special effort of Agent during the past three days has been to establish the fact that KELSEY MORRISON was in Fairfax the early morning of March 10th and that he drove the car and transported the glycerine and possibly the man who used it, if not himself, from some point to Fairfax, and then sought to establish an alibi in court at Okla. City, 124 miles distant, at 9 A. M. the same day.

B7D

According to MORRISON'S own statement (read page ten and page eleven, this report) he had just arrived at Fairfax in a car from Oklahoma City between 11 and 12 P. M. Friday, Mar. 9th. MORRISON, according to [redacted] has been exhibiting large rolls of currency for the past few months and squandering large sums. He is generally suspected of ~~killing~~ ~~up~~ ~~the~~ SMITH murdering HENRY ROAN, but is not generally suspected of blowing up the SMITH home. To this Agent it appears that he is guilty of direct connection with the latter crime, and that the entering wedge to finally arriving at the other guilty persons of the several other murders, depends largely upon getting sufficient evidence against MORRISON to

RECORDED

62-5033-6 APR 28 1923

3 Washington; 3 file.

Indian Affairs 4-25-23

APR 20 1923

ALL Deletions

Frank V. Wright.

Apr. 10, 11 & 14, 23

B7D

All deletions

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10 Justif taking hold of him first. As etated in a previous report, I
11 Agent believes MORRISON is "yellow" and that he is the only one of the
12 gang that will ever show weakness. Agent is of the opinion that the
13 evidence of [REDACTED] is sufficient to establish MORRI-
14 SON'S presence at Fairfax at the right time, the morning of Mar. 10,
15 1923. MORRISON'S statement made to [REDACTED] (in my report of Apr.
16 9, 1923) indicates that on Mar. 10, 1923, he, MORRISON, was leaving the
17 Impression at Okla. City with [REDACTED] that he had not been at Fair-
18 fax for some time. Agent is told (hearsay at this time, only) that the
19 man who works at the light plant or pump station at Perry, Okla. saw a
20 car answering the description of MORRISON'S sport model Studebaker,
21 pass that place at a high rate of speed after 4 A. M. Mar. 10, 1923.
22 Undeveloped leads at Fairfax indicate that two cars were used around
23 Fairfax the night of the explosion and that ERNEST BERKHART was seen by
24 two men (one of them HOBART ELLIOTT) the other a man staying with EL-
25 LIOTT, driving a car coming into town from a southeast direction just
26 after the explosion, and that a few minutes later BERKHART was at the
27 scene of the explosion, wearing a night shirt. BERKHART lives due
28 south and on the same street on which the SMITH home was located, and
29 the direction from which he was seen driving off a country road. Agent
30 has not attempted to develop this and one or two other leads, for the
31 reason that it appears best to confine to MORRISON for the time being.
32 [REDACTED] stated that he attended W. E. SMITH, deceased
33 after the explosion and until SMITH died, which was 1 P. M. Mar. 14,
34 1923. That before his death and after the explosion, SMITH talked to
35 ex-Deputy Sheriff JEFF HUTCHINSON, attorney D. E. JOHNSON, HENRY WARD,
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4 f. Frank V. Wright.

5 Apr. -10, 11 & 14, 1923.

ALL Deleted
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8 RICHARD CRANDALL and possibly with others of whom [redacted] has no
9 knowledge. [redacted] stated that on one occasion before his death
10 when deceased SMITH was rational and of sound mind, SMITH stated in
11 [redacted] presence that BILL HALE and ERNEST BURKHART were the only en-
12 mies he had on earth that he could suspect of having blown up his home
13 and that he would not want to accuse them of the deed at that time for
14 the reason that he had no proof and might be wrong. [redacted] thinks
15 and is quite positive that other persons named in this paragraph heard
16 SMITH make the same statement with reference to HALE and BURKHART.
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18 [redacted] stated that he has been told by several per-
19 sons and among the number ED FINCHER proprietor of the Silver Moon
20 Cafe, that KELSEY MORRISON, BILL REWARD and AMOS TUCKER drove from
21 Fairfax to Okla. City in MORRISON'S Studebaker car, leaving Fairfax
22 about noon of Mar. 9, 1923, and that ED FINCHER, proprietor of the Sil-
23 ver Moon Cafe and others whom [redacted] cannot recall for certain at
24 this time, will testify that MORRISON was back at Fairfax after night-
25 fall of the same day, March 9th.
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27 [redacted] stated that DR. FREEDMAN saw MORRISON at
28 Fairfax as late as 11 P. M. the 9th of March, 1923; that TOM CORNELIUS
29 a farmer one mile west of Fairfax, was awakened a few minutes before
30 the explosion by an auto passing his home at an unusual high rate of
31 speed; that the man at the light and power plant at Pawnee, Okla. had
32 noticed a car answering the description of MORRISON'S car - a sport
33 model Studebaker - pass through Pawnee about 4 A. M. Mar. 10, 1923.
34 That a truck-driver (unknown) also noticed a sport model Studebaker
35 west of Ralston, Okla. the early morning of Mar. 10, 1923.
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Frank V. Wright.

Apr. 10, 11 & 14, 1923.

(Note: [redacted] stated that DR. M. B. PRENTISS was in attendance when an examination of the body of BILL STEPHSON who was found dead in bed was made and that DR. PRENTISS had stated that no alcohol was found in the stomach of the deceased.)

[redacted] stated that JOE GRAYHORSE, an Oeage Indian, died very suddenly the latter part of 1921; that a few days prior to the death of GRAYHORSE a deal for some land was made between GRAYHORSE and WM. HALE.

[redacted] was reluctant about going into any details in connection with this information and suggested examination of records at Pawhuska.

[redacted] stated that SCOTT MATHIS was administrator for the estate of ANNIE BROWN who was murdered; that immediately after the discovery of ANNIE BROWN'S body MATHIS offered \$5,000.00 reward for arrest and conviction of the murderer; that private detectives worked on this case and BRYAN BURKHART was arrested; that about the time the public thought a case would be made against the guilty party or parties, MATHIS withdrew the \$5,000.00 reward, BURKHART was released and nothing more ever apparently done to find or prosecute the murderers. JEFF HUTCHINSON, Fairfax, can and probably will furnish information regarding this particular incident.

B7D All Deletions

[redacted] a very intelligent gentleman and who will make a forceful witness on the stand, will testify that on Friday night Mar. 9, 1923 between the hours of 11 and 12, he was eating at the counter of the Silver Moon Cafe and the proprietor ED FINCHER took his order and served the food ordered; that there were two or possibly three other persons, whom [redacted] cannot name, present at the time; that before [redacted] had finished eating a car drove up in front of the cafe and

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5 Frank V. Wright.

Apr. 10, 11 & 14, 1923.

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9 KELSEY MORRISON and MORRISON'S brother-in-law, ----- POWELL, entered
10 the cafe. [redacted] stated that MORRISON was very talkative, more so
11 than usual, and announced that they had just driven from Okla. City and
12 got on the wrong road and drove either into or near the town of Still-
13 water, which is off the direct auto line of travel; that MORRISON went
14 to the ice box or refrigerator, in the cafe, and raised the lid, at the
15 same time inquiring of the proprietor FINCHER whether or not he had any
16 cold milk. [redacted] stated further that he knows MORRISON well and
17 also knows POWELL; that POWELL was employed at the Studebaker sales
18 garage at Fairfax, and that when the men entered the cafe informant
19 spoke to both of them and they spoke to [redacted] stated
20 that he noticed the car standing in front of the cafe as he left the
21 building and noticed that it had the curtains up but paid no further
22 particular attention to it and could see no other person in the car.
23 [redacted] stated further that MORRISON has exhibited large sums of cash
24 for several months past and that he has held stakes in one instance
25 when MORRISON played the best two out of three games of pool for
26 \$250.00 and lost. [redacted] furnished Agent with other leads that
27 will be followed.

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46 Attorney D. E. JOHNSON, attorney for W. E. SMITH and wife, de-
47 ceased, stated that about 8:30 P. M. Mar. 11, 1923 J. H. WARD, DICK
48 GRANDALL, DR. J. G. SHOUN, DR. D. A. SHOUN and himself went to the
49 Fairfax Hospital where W. E. SMITH had been removed after the explosion.
50 that they found SMITH conscious and able to talk, and that SMITH asked
51 about his wife (not having been advised of her death) and inquired as
52 to the damage done his house and also related how, with the return of
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5 Frank V. Wright.

Apr. 10, 11 & 14, 1923

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consciousness after the explosion, his first thought had been that he was being burned to death; that the appointment of an administrator was suggested and that SMITH turned and appointed DR. J. D. SHOUN. [REDACTED] stated that DR. D. A. SHOUN and DR. J. D. SHOUN were at SMITH'S bedside and that [REDACTED]'s attention was called from another part of the room by DR. D. A. SHOUN addressing [REDACTED] and saying: "Bill just told us that he had only two enemies in the world and they were BILL HALE and ERNEST BERKHART." [REDACTED] stated further that on the morning of Mr. 12, 1923 SMITH signed administration papers and at that time stated that he had "expected this to happen" - meaning that he, SMITH, expected foul play. [REDACTED] stated that in 1921 a will was drawn by W. E. SMITH and RITI KILE SMITH excluding ERNEST BERKHART as an heir; that said will stipulated that upon the death of either of the makers of the will the entire estate should pass to the survivor and that at death of the survivor half of the estate should go to RITI'S half-sister, GRACE BIGHEART and the remaining half to W. E. SMITH'S father, TOM SMITH. [REDACTED] stated that W. E. SMITH, before death, stated that he had a daughter, MRS. ELLA ROGERS, R. F. D. #2, Muldrow, Okla., and that he wanted her taken care of from the assets of his estate; that W. E. SMITH had always kept the knowledge from ELLA ROGERS that he, SMITH, was her father; that MRS. ROGERS is about twenty-one years of age and that [REDACTED] was the first person to advise her of the fact that W. E. SMITH was her parent. All [REDACTED] Attorney JOHNSON stated that JOHN LASLEY told him that he, LASLEY left Fairfax about 10 A. M. Friday Mar. 9, 1923 with KELSEY MORRISON (and somebody else) and that they drove to Okla. City and that they

36

Frank V. Wright.

Apr. 10, 11 & 14, 1925

so that [redacted] had apparently been drinking; that MORRISON talked about leaving [redacted] come in from Okla. City and had taken the wrong road and drove into or near [redacted] (not certain) Stillwater, which is off the direct auto route between Oklahoma City and Fairfax. [redacted] stated that MORRISON'S brother-in-law, POWELL, a young fellow who worked at the Studebaker agency in Fairfax a while, was with MORRISON at the cafe and from the general talk [redacted] inferred that POWELL was with MORRISON on the auto trip from Oklahoma City that they were discussing.

[redacted] related almost verbatim and verified the occurrence and conversation as stated by [redacted] [redacted] is apparently afraid to mention a name above a whisper, and was much more concerned in extracting a promise of secrecy from this Agent than in stating what he knew, but will probably "stand up" on the witness stand, if occasion ever demands. [redacted] should precede [redacted] on the witness stand.

OPEN.

ALL Deletions B7D

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5 Frank V. Wright.

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8 Arrived in Okla. City about 3 P. M. (Note. Agent has hearsay information
9
10 tion of this Friday trip to Okla. City by MORRISON from several sources
11
12 but unable so far to verify it.)

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14 Attorney JOHNSON stated that since the death of SMITH and his
15
16 wife, ERNEST BERKHART has called at his, JOHNSON'S office and endeavored
17
18 to retain [REDACTED] that he felt he could not renre-
19
20 sent BERKHART and also the SMITH heirs and so informed BERKHART.

21
22 whereupon BERKHART left the office, but later came back and said: "I'll
23
24 pay you \$5,000.00 cash retainer to handle my interests." [REDACTED]

25
26 stated that he believes that ERNEST BERKHART has knowledge of who blew
27
28 up the SMITH home and that BERKHART stated to him, JOHNSON, on one oc-
29
30 casion: "In my own mind I know who did it, but I don't intend to tell
31
32 a d--- soul", and that BERKHART followed this remark by saying: "I
33
34 know from something said to me by a party six months ago."

35
36 Attorney JOHNSON stated that W. E. SMITH had often talked about
37
38 the murder of HENRY ROAN and that SMITH at all times would declare that
39
40 there was not the least doubt in his, SMITH'S mind other than that
41
42 ERNEST BERKHART murdered HENRY ROAN.

ALL Deletions B7D

43
44 [REDACTED], a substantial citizen, stated that on the
45
46 night of Mar. 9, 1923 between 11 and 12 o'clock he was going home from
47
48 a dance at Fairfax and stopped in at the Silver Moon Cafe for a lunch.
49
50 that the proprietor of the cafe, ED FINCHER, took his order and that
51
52 another man, CLYDE CREED, was in the cafe; that KELSEY MORRISON was
53
54 also in the cafe and that he spoke to informant and went back to the
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56 refrigerator and asked the proprietor if there was any cold milk in
57
58 it; that MORRISON is very talkative at all times but was especially

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WY-27
ST-5023-6

April 27, 1923.

APR 28 1923

Hon. Charles E. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Sir:

Further with regard to the case of WILL SMITH and
other Cheyenne Indians, I enclose herewith copy of a report
dated April 16th from Agent Wright of our Oklahoma City office.

Very truly yours,
M.H.B.
Director.

Enc. 9548

MAILED
APR 27 1923

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NDAS Case Orig. - awc
ATTENTION - MR. EOOV 2.

office only

Oklahoma City Apr. 15, 1923 Apr. 16, 1923 James C. Finlay

BILL SMITH and EARL OSAGE
INDIANS (MURDER OF)
Fairfax, Okla. : Conspiracy
Oklahoma City, Okla. 62-5033 (O. C. #7060)

Continuing investigation of above entitled matter, Agent is in receipt of the following letter from the Director of Bureau, dated Apr. 12, 1923, initialed WWG:EW:

Dear Sir:
Referring to my letter to you of March 24th, enclosing photostatic copies of the file of the Indian Field Service, Department of Interior with regard to murders of Osage Indians, up to the present time I have received no report.

Please give this matter immediate attention."
This investigation was begun by Agent Wright on Apr. 2, 3 and 4th and reported on April 5th under the above title. This report was handed and mailed on April 5th and should have been received before the date of the Director's letter above quoted.

Agent Wright has continued the above investigation during the week April 9th to 14th.

Investigation open.

APR 26 1923

62-5033-7

GENERAL INVESTIGATIVE
DIVISION
APR 20 1923
46

3 Washington: 3 file.

GENERAL INVESTIGATION
MAY 2 - 1923
MAY 8 1923
RECORDED
62-5033-8
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APR 30
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